Registered No. M.—1175.

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The Mysore Gazette.

Vol. 54.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 2, 1919.

PART III.

Legislative Measures and Rules thereunder.

No. R. 7559—L. B. 54-18-1, dated 18th December 1918.

Under Section 37 (*a*) of the Mysore Local Boards and Village Panchayets Regulation, 1918, and in supersession of the existing rules on the subject, the Government are pleased to make the following rules:—

Constitution of Taluk Board.

1. Every Taluk Board shall ordinarily consist of such number of elected or nominated, inclusive of *ex-officio* members as may be determined by Government. The strength of a Board shall not exceed 20.

The *ex-officio* members of a Taluk Board shall consist of all or any of the following:—

(*a*) The Assistant Commissioner in revenue charge of the Taluk.

(*b*) The Amildar of the Taluk.

(*c*) The Medical Officer in charge of the Dispensary at the Taluk Headquarters.

(*d*) The Senior Officer of the Taluk of the Public Works Department.

(*e*) The Sub-Registrar.

Note.—This includes the Taluk Sheristadar, Sub-Registrar, where there is no Special Sub-Registrar.

(*f*) The Inspecting Officer of Schools for the Taluk.

Other Members.

(*g*) Four holders or proprietors of land or persons otherwise qualified in the taluk, to be elected by the other holders, proprietors, etc., in manner hereinafter set forth, or, in default of election, appointed by the Government on the recommendation of the Deputy Commissioner.

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(*h*) One member elected in manner hereinafter set forth by the holders of entire alienated villages, if any, within the taluk, from amongst their own number, or, in default of election appointed by Government on the recommendation of the Deputy Commissioner or, if there is but one such holder in the taluk, such holder himself or any person whom he nominates as his representative.

(*i*) One member for each of the Village Panchayets to be notified by Government as entitled to exercise the privilege of election to be elected by the members of the Panchayets from among their own body in manner hereinafter set forth, subject to the proviso that the minimum representation shall be three; or, in default of election, appointed by Government as aforesaid.

(*j*) The remainder to be appointed by the Government on the recommendation of the Deputy Commissioner and drawn as far as possible from interests or communities in the taluk not already sufficiently represented and which it may be desirable to represent on the Board. In making his recommendation the Deputy Commissioner should pay special attention to see that the interests of industries, trade and Co-operative Societies are adequately represented on the Board.

Constitution of District Board.

2. Every District Board shall consist of such number of elected and nominated, inclusive of *ex-officio*, members as detailed hereunder. The strength of a District Board shall not exceed 45.

Ex-officio Members.

(*a*) The Deputy Commissioner of the District.

(*b*) All Assistant Commissioners in revenue charge of Taluks in the district.

(*c*) The Chief or Senior Officer for the District, in each of the Departments of the Medical Relief, Sanitation, Engineering and Education (Inspection of Schools).

Other Members.

(*d*) One or more non-official representatives as may be determined by Government for each of the taluks in the district elected as hereinafter prescribed by the members of the Taluk Boards from among the non-official members of their own body, or in default of election, appointed by Government on the recommendation of the Deputy Commissioner.

(*e*) One member for the Municipal Council at the District Headquarters and one for every Municipality within the district containing not less than seven thousand inhabitants or getting annually a normal income of not less than Rs. 6,000 elected by the Municipal Councillors from among the non-official

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Councillors in the manner hereinafter set forth, provided that the maximum representation shall not exceed four, or, in default of election, appointed by Government on the recommendation of the Deputy Commissioner.

(*f*) One member elected in manner hereinafter set forth by the holders of entire alienated villages, if any, within the district from amongst their own number or in default of election appointed by Government on the recommendation of the Deputy Commissioner, or, if there is but one such holder in the district such holder himself, or, any person whom he nominates as his representative.

(*g*) One member for each of the recognised associations in the district, if any, representing Agricultural, Planting, Industrial, Commercial, Educational, Legal and other interests as may be given the franchise by Government on the recommendation of the Deputy Commissioner of the district or, in the absence of such institutions, or, in default of election appointed by Government on the recommendation of the Deputy Commissioner for the representation of these interests.

(*h*) The remainder to be appointed by Government on the recommendation of the Deputy Commissioner and drawn as far as possible from interests or communities in the district not already sufficiently represented and which it may be desirable to represent on the Board. In making his recommendation the Deputy Commissioner should see that interests, if any, not represented under Clause (*g*) receive due consideration.

Term of Office of Members.

3. All members of a Local Board shall continue in office for a period of three years from the date on which its constitution is notified by Government unless the term is extended by Government. A general election shall take place once in three years for electing the representatives of the several constituencies.

(1) Provided that any member of a Taluk Board or Municipal Council deputed to be a member of a district shall vacate such latter office on his ceasing to be a member of the Taluk Board or Municipal Council.

Provided also that a Taluk Board or Municipal Council, may, by a resolution duly recorded, appoint any other member to be a temporary substitute for its representative on the District Board to whom attendance at any meeting of such Board may be inconvenient.

(2) Any outgoing member of a Local Board shall, if otherwise qualified, be eligible for re-election or re-appointment.

President of Taluk Board to intimate to Deputy Commissioner when the term expires.

4. Not less than four months before the expiry of the term of office of the members of a Taluk Board, the President of the Board shall send intimation of the same to the Deputy Commissioner who shall forthwith fix a date

for the election of members of the groups of villages, Municipalities and Village Panchayets concerned. The date so fixed shall be not later than one month prior to the expiry of the term of the members.

Resignation of office.

5. (1) Any person appointed or elected as a member of a Local Board may tender his resignation and on acceptance of such resignation by Government shall be deemed to have vacated his office.

Vaccation of office by Government servant on transfer or under other circumstances.

(2) Any person holding a salaried office under Government, who is member of a Local Board, shall, on being permanently transferred from the local area over which such Board has authority or on quitting such local area with the intention of remaining absent therefrom for more than three months or on his resignation, suspension, removal or retirement from his office under Government be deemed to have vacated his office of member of such Board.

Removal of Member of a Local Board.

6. The Government may by notification remove any member of a local board other than an *ex-officio* member;

(i) if he is absent for more than six consecutive months from the local area over which such Board has authority, or refuses to act or becomes incapable of acting, or is declared insolvent or is convicted of any such offence, or subjected by a criminal court to any such order as implies in the opinion of Government a defect of character which unfits him to be member of a local board;

(ii) if he, without sufficient excuse in the opinion of Government neglects to be present at more than three consecutive meetings of the local board;

(iii) if his continuance in office is, in the opinion of Government, dangerous to the public peace, or order, or likely to bring the administration of the local board into contempt;

(iv) on the occurrence of any other circumstance which, if it had existed prior to the commencement of his term of office, would have disqualified him for election or appointment.

(2) The Government may prescribe a period during which any person so removed shall not be eligible for re-appointment or re-election.

Filling of casual vacancies.

7. In the event of a member of a local board dying or vacating his seat or being removed from office before the expiration of the period for which he was appointed or elected, a successor shall, unless Government otherwise directs, be appointed or elected according as a person dying, vacating his seat or removed from office, was appointed or elected and shall hold office for the residue of the term of the member whom he succeeds.

Term of office of Member appointed or elected to fill up a vacancy caused by increasing the number of members.

8. In the event of a vacancy occurring by increasing the number of members in any local board, such vacancy shall be filled up as soon as conveniently may be by the election or appointment as the case may be of a person thereto who shall hold office till the next general election or for such period as Government may in this behalf notify in the Gazette.

Notification of elections and appointments.

9. The election or appointment of every member of a local board shall be notified in the *Mysore Gazette*.

Election procedure.

10. The following rules shall be observed in electing members to local boards.

I. Rules regulating elections to Taluk Board by holders, proprietors of land, etc.

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Disqualification for voters.

(1) The following persons are disqualified to be registered as voters :—

(i) Persons of unsound mind or deaf-mutes.

(ii) Persons who have been convicted of any offence or subjected by a criminal court to any order implying a defect of character which in the opinion of the Deputy Commissioner of the District unfits them to be voters.

(iii) Persons who are not subjects of Mysore or of any other State in India or British subjects.

(2) No persons shall be qualified to vote unless such person :—

(i) is of the male sex and,

(ii) has attained the age of 21 years in the year preceding that in which the electoral roll is published.

(3) No person shall be qualified to vote at an election under these rules in any electoral group unless his name is entered in the electoral register of that group and he has resided in the circle for six months in the aggregate in the year preceding that in which the electoral register s published.

Persons entitled to have their names entered in the electoral register.

(4) Any person is entitled to have his name entered in the electoral register of a group if he—

(i) holds or owns land in a group of unalienated villages in the taluk assessed or, in the case of alienated lands, would be assessed if they were not alienated, to the land revenue, at not less than Rs. 50 per annum, or

(ii) is duly appointed to officiate as patel of any village in a group of villages in the taluk, or

(iii) pays a house-tax under these rules of not less than Rs. 5 per annum in a group of villages in the taluk, or,

(iv) is a Graduate, Advocate or Pleader, or

(v) a pensioned officer of the Mysore, or, of the Indian Army residing within the circle.

Provided that a person claiming qualification under clause (iv) or (v) has been resident in the electoral group since the beginning of the calendar year previous to that to which the electoral roll applies.

Qualification for candidates.

(5) Any person not disqualified under Rule (6) below may stand as a candidate for election as a member of the Taluk Board if at the time ofthe nomination;

(*a*) his name is entered in the current electoral roll of any of the circles into which the Taluk Board area is divided and,

(*b*) he is resident within the revenue taluk (inclusive of any municipal area within it) in which the group is situated.

Disqualification for candidates.

(6) A person is disqualified for election as a member of a Taluk Board if he —

(*a*) is illiterate, of unsound mind, a leper or a deaf-mute ; or

(*b*) has been a public servant as defined in Section 21 of the Indian Penal Code, or, a servant of a Municipal Council or Local Board and has been dismissed from such service for misconduct; or,

(c) is a salaried Government official other than a village headman or, is an executive officer, clerk, or, servant of such Board; or

(d) has directly or indirectly any share or interest in any contract or employment with such Board; or,

(e) is an uncertificated bankrupt or undischarged insolvent; or,

(f) has been convicted of any offence, or, subjected by a criminal court to any order implying a defect of character which in the opinion of the Government unfits him to be a member of a Taluk Board; or,

(g) is employed in the service of a member of a Taluk Board or has a servant who is a member of the Taluk Board; or,

(h) is not a subject of Mysore, or, of any other State in India, or a British subject.

Division of a taluk into groups of villages.

(7) (1) For purposes of election of a member of a Taluk Board referred to in clause (g) of Rule 1 each taluk shall be divided into four groups of villages, each group to return its own member.

(2) The grouping of villages shall be carried out by the Deputy Commissioner with regard to community of interest in such matters as roads, ferries, dispensaries, schools and the like; and as far as possible it shall be so arranged that the amount of land assessment (including the survey valuation of alienated villages) and local cess paid by each of the various groups shall approximately be the same.

Preparation of the lists of voters.

(8) Three months before each general election, lists of persons in each taluk qualified to vote shall be prepared according to groups by the Amildar under the orders of the Deputy Commissioner in the following form. Against the name of the every voter who is qualified to be a candidate, a note should be made to that effect.

Serial No.	Name	Father's name	Village	Age—years	Occupation	Qualification		Election station	Whether qualified under Rule 5.	Whether also qualified to stand for election under Rule 7.	Remarks
						Head or heads of qualifications	Details of qualifications				

Publication of the lists.

(9) The lists so prepared shall be published at least two months before the date fixed for holding the election by affixing a copy thereof in some conspicuous place in or near the office of the Amildar.

Revision of the lists.

(10) The Deputy Commissioner may on application being made to him at any time within one month after the publication of the lists aforesaid by any person claiming to be qualified to be a member, or to vote at an election of members of the Taluk Board, correct any erroneous entry or supply the omission or insert therein the name

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of any applicant who satisfies him of his right to have it so entered.

Procedure for elections at group elections.

(11) (i) Not less than one month before the date fixed by the Deputy Commissioner for any election, the Amildar shall send to each person qualified to vote a written notice setting forth the time and place of election. The place elected shall, as far as possible, be some place conveniently situated with reference to the group of villages concerned.

(ii) All persons wishing to vote must be present at the election, and no votes by proxy or in writing shall be received.

(iii) On the appointed day the Assistant Commissioner in revenue charge of the taluk, or the Amildar or some other officer deputed by the Deputy Commissioner to preside at the election, shall record the votes of the electors appearing in person.

(iv) All objections to voters shall, if possible, be summarily decided by the presiding officer after reference to the list of voters.

(v) No objection to any intending voter shall be admitted except on the following two grounds :—

First—that he is not shown in the electoral register as qualified to vote in the group in respect of which the election is being held.

Second—that his claim to be a certain voter shown on the electoral register is false.

(vi) Every candidate must be nominated in writing by at least two persons whose names are included in the current electoral register and the nomination paper must bear an endorsement signed by the nominee signifying his willingness to serve if he should be elected, and be delivered to the Amildar at least ten days before the date fixed for election.

(vii) The same voter shall not nominate more than one candidate for a circle.

(viii) The presiding officer, if satisfied that no less than 10 per cent of the voters for the group are present, shall declare the candidate having a clear majority of votes to be duly elected. If there be an equality of votes, the choice shall be determined by lot in such manner as the presiding officer shall deem fit. If the number of voters present be less than 10 per cent the Deputy Commissioner may order that the election be held again, or may decide that the electors have failed to elect a member.

(ix) If any candidate duly elected declines to take office, the unsuccessful candidate, if any, who received the next largest number of votes shall be held to have been elected. If there is no such unsuccessful candidate a fresh election shall be held to fill the vacancy thus created.

(x) The results of all elections shall, as soon as possible, be reported to the Deputy Commissioner.

(xi) Any election may, with the approval of Government, be set aside by the Deputy Commissioner on the ground of fraud, intimidation, bribery, or, material irregularity, or, that the person elected is likely to bring the Local Fund Administration into contempt or that his being a member as a Taluk Board is dangerous to public peace or order, and in such a case a fresh election shall be held.

Local Board employees not to canvass for votes.

(xii) No person in the employment or pay of a Local Board, shall directly or indirectly engage in canvassing for votes, or otherwise assist in the election of any candidate, otherwise than by giving his own vote, if he is entitled to one. Any breach of this rule will render him liable to dismissal.

II. Rule for election of Taluk Board Members by Village Panchayets.

(12) A special meeting shall be held by Village Panchayet on the date fixed by the Deputy Commissioner under Rule 4 above. The members present at the meeting shall elect one member from among themselves and report immediately the name of the member so elected to the President of the Taluk Board for communication to the Deputy Commissioner.

III. Rules for the election of Inamdar Members.

(13) The following persons shall be entitled to vote or qualified to be elected subject to Rule 10-I (1) and (2).

(1) (i) If one and the same person or one and the same co-parcenary holds two or more entire villages within the local area for which a member has to be elected, such person, or, the representative of such co-parcenary shall have but one vote.

(ii) The person recorded in the revenue records as the holder of an alienated village shall be the person entitled to vote and qualified to be elected in respect of that holding whether such person be the actual Inamdar or a mortgagee in possession, or, in the case of villages held for the support of religious or charitable institutions, the Manager.

(iii) If an alienated village is entered in the revenue record as held jointly or in shares by two or more persons or indefinitely as being held by a co-parcenary, the Deputy Commissioner shall select from among the persons whose names are so recorded, or, amongst the co-sharers, as the case may be, one person who shall be the person entitled to vote and be qualified to be elected in respect of such holding. Before making such selection the Deputy Commissioner shall take such means as he shall think fit for ascertaining the wishes of the persons whose names are recorded as aforesaid or, of the co-sharers as the case may be. If a majority of not less than $\frac{3}{5}$ths the persons, or, co-sharers whose wishes are known to the Deputy Commissioner are in favour of one person, or, co-sharer, that person, or, co-sharer shall be selected by the Deputy Commissioner; otherwise, he shall himself make choice of such person or co-sharer as shall appear to him, by reason of education, intelligence or local report and influence fittest to represent the holders of the alienated village in question. The Deputy Commis-

sioner's approval or nomination, as the case may be, shall be final.

(2) The date of election shall be fixed by the Deputy Commissioner.

(3) Not later than one month before the date fixed for election the Deputy Commissioner shall get a list of persons qualified to be elected prepared.

(4) The Deputy Commissioner shall; not less than ten days before the date fixed for the election cause a list of the persons qualified to be elected to be left at the usual residence of each of the persons entitled to vote at such elections, together with a notice inviting the last named persons, before the date fixed for the election to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

(5) On the date fixed for election or as soon as may be thereafter, the Deputy Commissioner shall inspect all returns duly made as aforesaid, and shall record in writing under his signature the result of the election.

(6) If at an election no votes are recorded or, if for any reason the election does not result in the return of any qualified person willing to take office, the Government shall with the recommendation of the Deputy Commissioner appoint some person who would have been qualified to be elected.

IV. Rules for election by Municipal Councils.

(14) A Municipal Council shall observe the following rules for the election of their representative on the Taluk Board.

(i) The election shall be held on such date as the Deputy Commissioner shall fix in this behalf.

(ii) A special general meeting of the Municipal Councillors shall be called for the date so fixed in the manner and by the authority prescribed in the Municipal Law, or rules for convening of such meetings, for the purpose of holding the said election.

(iii) The meeting shall be held in the place in which the Councillors usually meet for the transaction of business, and the election shall be held in the same manner in which any proposition or business legally brought before a special general meeting of the Municipal Council is usually considered and voted upon by the Municipal Council and the names of the Councillors voting respectively for and against each candidate shall be recorded in the Municipal Council's minute book.

(iv) The result of the election shall be declared by the President of the meeting and shall be communicated by him without delay in writing under his signature to the Deputy Commissioner for being published in the *Mysore Gazette*.

V. Rules for elections by Taluk Boards to District Boards.

(15) Within one month of the publication of the names of members of a Taluk Board in the *Mysore Gazette*, the President of the Board shall call for a meeting of the

Board on a specified date to elect their representatives on the District Board.

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(ii) Such election shall not be held unless the President and at least one-half of the elected members and half the total number of members of the Board are present at the meeting.

(iii) Any member who desires or is willing to be elected must be proposed by one and seconded by another member other than himself present at such meeting, and the votes of the members present at the said meeting upon every such proposal shall be taken by the President.

(iv) The election shall be decided by a majority of votes of the members present at the meeting, the President having a second or casting vote in every case of an equality of votes.

(v) The results of the election shall be declared by the President at the meeting and shall be communicated by him without delay in writing to the Deputy Commissioner for being published in the *Mysore Gazette*.

(vi) The President shall also forward to the Deputy Commissioner under his signature minutes of the proceedings of the meeting in which shall be recorded:—

(*a*) The names of the members present;

(*b*) The names of the proposer and the seconder of each proposal and of the member proposed;

(*c*) The names of the members voting respectively, for and against each proposal.

Payment of allowances to members.

11. (1) No member of a local board shall be entitled to any salary or allowance by virtue of his office, but every local board may grant travelling allowance for its non-official members at the following rates. It should be understood that the rates fixed in each case include the cost of any servants accompanying the member.

DISTRICT BOARD.

Annas 4 per mile by road.

Double 2nd Class fare by rail.

TALUK BOARD.

Annas 3 per mile by road.

Double 2nd Class fare by rail.

(*a*) No travelling allowance is admissible to any member who does not travel more than 5 miles from or to his place of residence nor can batta or halting allowance be paid in addition to travelling allowance. Nevertheless, a non-official member of a District or Taluk Board required to stay for more than a day for the meeting of the Board may be given a daily allowance of Re. 1.

(*b*) For journeys undertaken by a member for the purpose of inspection or check measurement of works or other specific duty, travelling allowances may be paid at the rates allowed for attending the board meetings, subject to the conditions:—

(i) that the journeys are undertaken on the written requisition of the President of the local board concerned, and,

(ii) that the claim for travelling allowance is in each case admitted under the orders of the President of the District Board.

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(*c*) A non-official President or Vice-President of a District Board will receive travelling allowance at rates admissible to an Assistant Commissioner.

(*d*) A non-official President or Vice-President of a Taluk Board will receive travelling allowance at rates admissible to an Amildar.

(2) The rates of allowances to official members will be regulated by the Mysore Service Regulation, and charged to the heads of service to which they belong.

Attendance Register.

12. An attendance register should be maintained in the offices of Local Boards in form appended. A separate page should be set apart in this for each meeting and every member attending it should be required to sign it before leaving the meeting. The President of the meeting should record in words under his signature, the total number of members actually present at the meeting. Presidents when countersigning travelling allowance bills of members should satisfy themselves either by a reference to the register or by the certificate of the Vice-President that the bill has been checked with the register, that the members concerned actually attended the meeting and that the amount of travelling allowance has not been passed for payment already. The register should be initialled by the President or the Vice-President as the case may be.

Attendance Register of members of the $\frac{\text{Taluk}}{\text{District}}$ Board.

Date of meeting	Signature in full of members attending	Amount of travelling allowance			Date on which passed by the President	Initials of the President	Date of payment	Remarks
		Rs.	a.	p.				

By Order,
B. RAMASWAMAIYA,
Secretary to Government,
Revenue Department.